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### **REMARKS**

Applicant respectfully requests reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims has not changed.

### **Status of Pending Claims**

Claims 1-3, 5-7, 10, and 12-23 are pending. Independent Claim 23 is amended above to recite the pivot element alleged by the Examiner as an omitted essential element.

The rejection of Claims 1-3, 5-7, 10, and 12-22 under 35 U.S.C. §103(a) as being unpatentable over Gilberto, European Patent Publication EP 0 884 425 in view of Couse et al., U.S. Patent 2,882,564, has been withdrawn due to Applicant's prior Amendments and remarks. The Examiner has applied a new rejection further including Kelsch, U.S. Patent 551,166.

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### **Request for Telephone Interview**

Applicant kindly requests the Examiner to contact the undersigned at (847) 490-1400 to schedule a telephone interview, to discuss the merits of this Patent Application.

### **Claim Rejections - 35 U.S.C. §112**

Claim 23 has been rejected for not reciting a pivot element, such as the pivot 11 shown in FIG. 5. Applicant amended Claim 23 to recite a pivot. The pivot recited in Claim 23 is not intended to be limited to the configuration of the pivot 11 in FIG. 5. Various and alternative configurations of the pivot are available.

### **Claim Rejections - 35 U.S.C. §103**

The rejection of Claims 1-3, 5-7, 10, and 12-23 under 35 U.S.C. §103(a) as being unpatentable over Gilberto, European Patent Publication EP 0 884 425 in view of Couse et al., U.S. Patent 2,882,564, and Kelsch, U.S. Patent 551,166, is respectfully traversed.

The remarks below are intended to supplement Applicant's prior remarks, in which Applicant discussed the individual teachings of Gilberto and Couse et al. in more details.

Briefly stated, the Examiner cites Gilberto for showing a composite structure of two coupled structures, Couse et al. for teaching a C-sectioned fixing element to hold united two matching universal joints, and Kelsch for a fixing element having protrusions extending into oppositely facing grooves of large surfaces (Office Action, pages 3-4). The Examiner says it would have been obvious to substitute (or add) the U-shaped binder member 44 of Couse et al. for the joint attaching screw fixing means 9,10 of Gilberto. The Examiner cites Kelsch for teaching a fixing element (k3) joining together two elements and "... because having a fixing element attached to grooves of elements which extend in the opposite direction would ensure the secure holding together of the elements as taught by Kelsch ..." (Office Action, page 5).

The general teachings of newly cited Kelsch, and the Examiner identified "fixing element (k3)," are unrelated and nonanalogous to Applicant's invention and Applicant's C-sectioned fixing element, respectively. The Examiner is incorrectly reading the teachings of Kelsch.

Kelsch discloses a joint B for connecting insulated electric wires. The joint B of Kelsch includes a coupling B<sup>1</sup> and an envelope B<sup>2</sup>. The envelope B<sup>2</sup> is formed of two members *l* and *m* that enclose the coupling B<sup>1</sup> (lines 39-54). The members *l* and *m* are held together by screws k<sup>4</sup> (lines 72-74). The member *m*

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includes a “hollow tubular extension affording a filling-opening  $k^2$ , upon which fits a screw cap  $k^3$ ” (lines 63-66).

Applicant’s recited C-sectioned fixing element joins together two other elements (i.e., two universal joints). The Examiner is incorrect in stating that, like Applicant’s recited C-sectioned fixing element, the screw cap  $k^3$  of Kelsch is a fixing element that joins together two elements. The screw cap  $k^3$  does not join together two other elements, but screws itself over the filling-opening  $k^2$ , thereby attaching the screw cap  $k^3$  to only member  $m$  and closing the opening  $k^2$ . The threading of the screw cap  $k^3$  holds the screw cap  $k^3$  over the threaded opening of the member  $m$ , and neither holds members  $l$  and  $m$  nor another two elements together.

The screw cap  $k^3$  is unrelated and nonanalogous in both form and function to Applicant’s recited C-sectioned fixing element. The screw cap  $k^3$  is a hexagonal screw cap (FIG. 1), and not a C-shaped fixing element (FIG. 5 is a sectional view of the screw cap  $k^3$ ). The screw threads of the screw cap  $k^3$  are not the same as or suggestive of the folded inverted edges of Applicant’s C-sectioned fixing elements.

Contrary to the Examiner’s position, Kelsch does not suggest to one skilled in the art that “a fixing element attached to grooves of elements which extend in the opposite direction would ensure the secure holding together of the elements”

(emphasis added). As discussed above, the screw cap  $k^3$  joins to a threaded groove of a single element (member  $m$ ) to close the filling-opening  $k^2$  in member  $m$ . While the screw cap  $k^3$  is joined to the member  $m$ , one skilled in the art would not read the screw cap  $k^3$  to be “joining together two elements.” Thus, Kelsch does not disclose or suggest the teachings the Examiner relies upon for the rejection of Applicant’s claims; namely the screw cap  $k^3$  joining together two grooved elements.

As the screw cap  $k^3$  of Kelsch does not hold two grooved elements together, the threaded “fixing member” screw cap  $k^3$  is neither the same as, nor suggests, Applicants’ recited C-sectioned fixing element having two folded and inverted edges, each for inserting in a groove of oppositely facing sides of matched universal joints.

Furthermore, as discussed above, Kelsch discloses a joint B for coupling two ends of insulated electrical wire. The joint B includes a coupling  $B^1$  and an envelope  $B^2$ . Kelsch is completely unrelated to Applicant’s field of endeavor, which is folding scaffolding structures. The other secondary reference cited by the Examiner (Couse et al.) is also unrelated to Applicant’s invention, as it is related to hinges for a modular wall structure. The Examiner is using improper hindsight (i.e., gleaning information from Applicant’s disclosure) to make the rejections in view of the combination of Gilberto, Couse et al., and Kelsch. One skilled in the art would not

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have looked to fixing devices of such unrelated fields of art. The Examiner is improperly using Applicants' claims as a blueprint to reconstruct the invention using unrelated prior art references.


For these additional reasons, Applicant respectfully request favorable reconsideration and the withdrawal of the rejections over the combination of Gilberto in view of Couse et al. and Kelsch.

### **Conclusion**

Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any remaining issue, Applicant's undersigned attorney requests a telephone interview with the Examiner.

Applicant sincerely believes that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,



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